

**REMARKS**

Claims 1-12 remain in this application.

The Office Action requires election of one of the following: Species A1, drawn to Fig. 1; and Species A2, drawn to Fig. 7.

The Office Action requires further election of a subspecies from the following: Subspecies B1, drawn to Fig. 4A; Subspecies B2, drawn to Fig. 4B; Subspecies B3, drawn to Fig. 4C; and Subspecies B4, drawn to Fig. 4D.

Applicant elects Species A1 without prejudice reserving the right to pursue further prosecution of the non-elected claims. In addition, applicant elects Subspecies B4 without prejudice, also reserving the right to pursue further prosecution of the non-elected claims.

The Office Action indicates that no claims are currently considered by the Examiner to be generic. Applicant respectfully traverses this position, and respectfully submits that claims 1, 5 and 7 are generic claims, and that allowance of any one of these generic claims requires consideration of all claims in the application.

Claims 2 and 4-10 are readable on the elected species and subspecies.

Applicant traverses the restriction requirement as applied to species A1 And A2, and subspecies B1, B2, B3 and B4 on the grounds that the species are so closely related that a search in any of the groups would essentially be identical. Such a search, being substantially identical, dictates that prosecution of a divisional application resulting from the restriction would result in a duplication of effort by personnel of the Patent Office. In traversing the election of species and subspecies

requirement, it is believed that a brief review of the present invention will be found helpful in the reconsideration of the restriction. The explanation given below highlights the relationship between the various species and subspecies in support of applicant's position.

The present invention is directed to a ball bearing in which an annular cage having pockets, each for receiving a ball, is incorporated between inner and outer rings. By setting a relationship between a guide clearance and a pocket clearance such that the guide clearance is less than or equal to pocket clearance, the invention reduces advance and lag of each ball, thereby increasing stability of the bearing. Practice of this principle is applicable to bearings of the type in which the annular cage is guided by the outer ring (frequently used for high speed rotation of a machine tool spindle), as well as those of the type in which the annular cage is guided by the inner ring. The guide clearance is defined as the clearance between the annular ring and the particular one of the inner and outer rings by which the annular ring is guided, depending on which of these two types of bearings is involved. Figs. 1 and 7 show, respectively, each of these two type of bearing configurations (outer ring guiding and inner ring guiding) which employ the inventive principle common to both, and as described above. Therefore, Species A1 and A2 directed to the embodiments of these two figures share closely related subject matter.

Regarding the subspecies B1, B2, B3 and B4, applicant notes that Figs. 4A and 4B are directed merely to comparative examples, both in which the guide clearance is greater than the pocket clearance. Since, as explained above, the invention embraces a relationship in which the guide clearance is ether smaller than or equal to the pocket clearance, the two remaining figures 4C and 4D (subspecies B3 and B4) simply show, respectively, these two conditions. Therefore, applicant

submits that the subspecies of B3 and B4 do not require separate examination, particularly since they together constitute the relational range of the invention.

Claims 1, 5 and 7 are considered to be generic in that they each define the guide clearance in a manner not limited concretely to either of the outer and inner rings, but rather in generic terms, i.e., reciting that "said annular cage is guided by one of said bearing rings." Furthermore, the two subspecies A3 and A4 pertinent to the invention (rather than just the comparative examples of "subspecies" A1 and A2), are embraced by the claimed recitation that  $\alpha \leq \beta$  where  $\alpha$  is the guide clearance defined as less than (B4, Fig. 4D) or equal to (B3, Fig. 4C) the pocket clearance represented as  $\beta$ .

The consideration of prosecution efficiency is addressed in the notice entitled: "Restrictions Between Inventions" in the May 13, 1975 issue of the Official Gazette (934 O.G. 450), which indicates that "if the search and examination of an entire application can be made without serious burden, the Examiner is encouraged to examine it on the merits, even though it includes claims to distinct or independent inventions".

In view of the fact that the claims in question here have related subject matter and in view of the intent expressed in the aforementioned Patent and Trademark Office Notice relating to restriction practice, reconsideration of the restriction requirement is respectfully requested and withdrawal of this restriction is respectfully requested.

Should the restriction requirement not be withdrawn, Applicant reserves the right to file a Divisional application at a later date on the non-elected claims. Accordingly, reconsideration of the restriction requirement and favorable action on the merits of this application are respectfully requested.

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In light of the foregoing, the application is now believed to be in proper form for allowance of all claims and notice to that effect is earnestly solicited. Please charge any deficiency or credit any overpayment to Deposit Account No. 10-1250.

Respectfully submitted,

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